

Issuance Date: March 10, 2004

Effective Date: April 1, 2004

Expiration Date: March 10, 2009

Modification Date: XXXX

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND  
STATE WASTE DISCHARGE PERMIT No. WA-003046-5

State of Washington  
DEPARTMENT OF ECOLOGY  
Northwest Regional Office  
3190 – 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**AAA Monroe Rock Corporation**  
15421 166<sup>th</sup> Street SE  
Snohomish, WA 98290

Facility Location:

15421 166<sup>th</sup> Street SE  
Snohomish, WA 98290

Receiving Water:

On site stream, tributary to French Creek and  
Snohomish River

Water Body I.D. No.:

WA-07-1020

Discharge Location:

Latitude: 47° 50' 55" N

Longitude: 122° 01' 15" W

Industry Type:

Crushed and Broken Stone

is authorized to discharge in accordance with the special and general conditions which follow.

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Kevin C. Fitzpatrick  
Water Quality Section Manager  
Northwest Regional Office  
Washington State Department of Ecology

## TABLE OF CONTENTS

SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS .....	4
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### SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS .....	5
A. Stormwater and Process Wastewater Discharges .....	5
S2. MONITORING REQUIREMENTS .....	6
A. Monitoring Schedule.....	6
B. Sampling and Analytical Procedures .....	7
C. Laboratory Accreditation .....	7
S3. REPORTING AND RECORDKEEPING REQUIREMENTS .....	8
A. Reporting.....	8
B. Records Retention.....	8
C. Recording of Results.....	8
D. Additional Monitoring by the Permittee .....	8
E. Noncompliance Notification.....	8
F. Bypass Procedures .....	9
S4. SOLID WASTE DISPOSAL.....	11
A. Solid Waste Handling .....	11
B. Leachate .....	11
S5. BEST MANAGEMENT PRACTICES .....	11
S6. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) .....	11
A. General Requirements.....	11
C. Implementation .....	13
D. Plan Evaluation .....	14

### GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS.....	15
G2. RIGHT OF INSPECTION AND ENTRY .....	16
G3. PERMIT ACTIONS.....	16
G4. REPORTING PLANNED CHANGES.....	17
G5. PLAN REVIEW REQUIRED .....	18
G6. COMPLIANCE WITH OTHER LAWS AND STATUTES.....	18
G7. DUTY TO REAPPLY .....	18
G8. TRANSFER OF THIS PERMIT .....	18
G9. REDUCED PRODUCTION FOR COMPLIANCE .....	19
G10. REMOVED SUBSTANCES .....	19
G11. DUTY TO PROVIDE INFORMATION.....	19
G12. OTHER REQUIREMENTS OF 40 CFR.....	19

G13.	ADDITIONAL MONITORING .....	19
G14.	PAYMENT OF FEES .....	19
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS .....	19
G16.	UPSET .....	20
G17.	PROPERTY RIGHTS.....	20
G18.	DUTY TO COMPLY .....	20
G19.	TOXIC POLLUTANTS.....	20
G20.	PENALTIES FOR TAMPERING .....	21
G21.	REPORTING ANTICIPATED NON-COMPLIANCE.....	21
G22.	REPORTING OTHER INFORMATION.....	21
G23.	REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS.....	21
G24.	COMPLIANCE SCHEDULES .....	22

**SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS**

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	May 15, 2004
G1.	Notice of Change in Authorization	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	September 10, 2008

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

#### A. Stormwater and Process Wastewater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater at the permitted location subject to meeting the following limitations:

	<b>EFFLUENT LIMITATIONS: OUTFALL # 1 AND OUTFALL # 2</b>
<b>Parameter</b>	<b>Maximum Daily<sup>a</sup></b>
Turbidity Receiving Water	Turbidity in the receiving water shall not exceed 5 nephelometric turbidity units (NTU) over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU
Turbidity Discharge	50 NTU
Total Petroleum Hydrocarbons	5 mg/L
pH <sup>b</sup>	In the range 6.5 to 8.5
<sup>a</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
<sup>b</sup> Indicates the range of permitted values.	

#### Footnotes:

<sup>(1)</sup>The method detection level (MDL) for turbidity is 1 NTU using a turbidimeter and Method Number 180.1 from 40 CFR Part 136 or Standard Methods for the Examination of Water and Wastewater, 18<sup>th</sup> Edition, 2130.

The MDL for total petroleum hydrocarbons is 0.1 mg/L using Gas Chromatography and Flame Ionization Detector (FID) and method number WTPH-D Diesel (WTPH-D) from Washington State Department of Ecology Method WTPH-D. The quantitation level (QL) for TPH-D is 0.5 mg/L (5 x MDL).

<sup>(2)</sup> If the measured effluent concentration is below the QL as determined in Footnote #1 above, the Permittee shall report NQ for non-quantifiable.

	<b>EFFLUENT LIMITATIONS: DISCHARGES TO GROUNDWATER</b>
<b>Parameter</b>	<b>Maximum Daily<sup>a</sup></b>
Total Petroleum Hydrocarbons	5 mg/L <sup>1</sup>
pH <sup>b</sup>	In the range 6.5 to 8.5
<sup>a</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
<sup>b</sup> Indicates the range of permitted values.	

<sup>1</sup> The point of compliance with the ground water quality standards shall be defined as any point within an unlined impoundment pond or other point of discharge to ground water.

Discharges shall not cause a visible change in turbidity or color or cause a visible oil sheen to the onsite stream which has been routed to by-pass the active mining area to avoid contamination.

The Permittee shall not discharge process water or stormwater from Outfall #002 to surface waters of the state.

## **S2. MONITORING REQUIREMENTS**

### **A. Monitoring Schedule**

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Stormwater	Turbidity	NTU	Receiving water for Outfall #1 and Outfall #2 <sup>1</sup>	Rain event <sup>2</sup>	grab
Stormwater	Turbidity	NTU	Pond C-3 discharge point to onsite stream	Rain event <sup>2</sup>	grab
Stormwater and process water	Total Petroleum Hydrocarbons	mg/L	Pond C-3 discharge point to onsite stream, Ponds A-1 and Primary Treatment Trench	Quarterly	grab

<sup>1</sup> For Outfall #1, monitoring shall be conducted upstream and downstream of the entry of discharges from pond C-3 to the onsite stream, which has been routed to by-pass the active mining area to avoid contamination. The upstream and downstream sampling points shall be within the AAA Monroe Rock property line. If the onsite stream flow is zero then the downstream flow will be due solely to discharges from AAA Monroe Rock and the discharge turbidity can not exceed 5 NTU. This onsite stream discharges to French Creek/Snohomish River. If no discharges occur within a reporting period the discharge monitoring report shall be submitted stating no discharge. For Outfall #2, monitoring shall be conducted upstream and downstream of the outfall.

<sup>2</sup> The minimum sampling frequency for the rain event shall be within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. The storm events shall be measured by a rain gauge on-site. The monitoring method shall be by a portable turbidimeter following the maintenance, operating and calibration procedures in the instrument's instruction manual. Alternatively, a grab sample shall be analyzed by a laboratory accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. AAA Monroe Rock may become accredited for the turbidimeter. pH and internal process control parameters are exempt from this requirement. pH shall be accredited if the laboratory must otherwise be registered or accredited.

### **S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

**A. Reporting**

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to Permit Coordinator, Department of Ecology, Northwest Regional Office, 3190 – 160<sup>th</sup> Avenue SE, Bellevue, Washington 98008-5452.

**B. Records Retention**

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

**C. Recording of Results**

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

**D. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

**E. Noncompliance Notification**

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:



1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall apply to the Department for the administrative order at least 30 days before the planned date of bypass. The written submission shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each

alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for a water quality modification, as provided for in WAC 173-201A-110; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

**S4. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**S5. BEST MANAGEMENT PRACTICES**

No carryout of dirt, mud, or visible tire tracks from AAA Monroe Rock shall be visible on 166<sup>th</sup> Street SE. A wheel wash or equivalent BMP shall be installed such that it is zero discharge and prevents the trackout of mud and dirt onto 166<sup>th</sup> Street SE, Monroe.

**S6. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, September, 1993, Publication No. WQ-R-93-015 which is published by the Department of Ecology.

The Permittee shall develop, implement, and comply with the SWPPP.

A. General Requirements

1. Retention and Availability:

The SWPPP and all of its modifications shall be signed in accordance with General Condition 1. The SWPPP shall be retained on-site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

The Department may notify the permittee when the SWPPP does not meet one or more of the minimum requirements of this section. Within 30 days of such notice, the permittee shall submit to the department a plan for modification of the SWPPP and a schedule for implementing the modification(s).

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.
4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:
  - a. Assessment and description of existing and potential pollutant sources,
  - b. A description of the operational BMPs;
  - c. A description of selected source-control BMPs;
  - d. A description of the erosion and sediment control BMPs;
  - e. A detailed description of the treatment BMPs including but not limited to alum dosage rate method, discharge water flow measurements and contingency plans for spillage of alum;
  - f. An implementation schedule including a wheel wash or an equivalent BMP to prevent trackout. Wheel wash wastewater shall not be discharged to surface waters or groundwaters of the state nor co-mingled with other process waters or stormwater ponds on the site. A wheel wash if installed shall be zero discharge;
  - g. Spill Prevention and Emergency Cleanup Plan:

Identification of areas where potential spills can contribute pollutants to stormwater discharges. Specific material handling procedures, storage requirements and cleanup equipment and procedures should be identified as appropriate. A description of preventive measures and facilities (including an overall facility map showing drainage patterns) which prevent, contain, or treat spills of these materials. A list of all oil and chemicals used, processed, or stored at the facility, which may be spilled into state waters. A description of the reporting system, which will be used to alert responsible managers and legal authorities in the event of a spill.

Employee Training: Annual training of employees on the SWPPP, that emphasizes spill response, good housekeeping, and material management practices.

Inspection and Recordkeeping: Identification of plant personnel who will inspect designated equipment and plant areas as required in Special Condition S7.C. A tracking or follow-up procedure shall be identified to ensure that appropriate action has been taken in response to the inspection. Inspection reporting and recordkeeping procedures and schedules as required in Special Condition S7 and Special Condition S3.B of this permit shall be described.

Chemical Storage: All chemicals, fuels, lubricants, toxic materials, petroleum products stored on site shall be provided with adequate cover and containment.

Spill Cleanup: In the event of an accidental discharge of oil, chemicals, toxic or hazardous materials into waters of the state or onto land with a potential for entry into state waters, including groundwater, the Department shall be notified immediately. A follow up written report must be submitted to the Department within 24 hours. A grab sample shall be taken immediately and daily if the discharge continues. Cleanup effort shall commence immediately taking precedence over normal work.

5. Any best management practice constructed at the site shall be designed constructed, and maintained to provide adequate treatment of stormwater to comply with permit effluent limits for the peak flow from the 25 year 24 hour precipitation event estimated from data published by the National Oceanic and Atmospheric Administration

C. Implementation

The Permittee shall conduct two inspections per year: one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc., in the stormwater discharge(s).

2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the stormwater drainage system. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.
3. All on-site erosion and sediment control measures shall be inspected at least once every seven days, and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. A file containing a log of observations shall be maintained.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and a certification, in accordance with General Condition S1., that the facility is in compliance with the plan and this permit and identifying any incidents of noncompliance.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.



- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
  2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

#### **G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

#### **G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

#### **G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

**G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

**G22. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. One hundred micrograms per liter (100 µg/l).
  - 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
  - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
1. Five hundred micrograms per liter (500µg/L).
  2. One milligram per liter (1 mg/L) for antimony.
  3. Ten (10 ) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  4. The level established by the Director in accordance with 40 CFR 122.44(f).

#### **G24. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.